

Hearing Date and Time: May 20, 2010 at 10:00 a.m. EDT

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

DPH HOLDINGS CORP., *et al.*,

Debtors.

DELPHI CORPORATION, *et al.*,

Plaintiffs,

VS.

KOSTAL, KOSTAL MEXICANA, KOSTAL

Chapter 11

Jointly Administered
Case No. 05-44481-RDD

Adversary Proceeding No.
07-02712-RDD

MEXICANA S.A. DE C.V., and KOSTAL OF
AMERICA INC.,

Defendants.

**OBJECTION TO MOTION BY REORGANIZED DEBTORS FOR
ENTRY OF A CASE MANAGEMENT ORDER ESTABLISHING
PROCEDURES GOVERNING ADVERSARY PROCEEDINGS**

Kostal of America Inc. and Kostal Mexicana S.A. de C.V. (“Defendants”), by their attorneys, Miller, Canfield, Paddock and Stone, P.L.C., hereby object to the Motion by Reorganized Debtors for Entry of a Case Management Order Establishing Procedures Governing Adversary Proceedings (“Case Management Motion”). Defendants are specially appearing without having been served or served properly and preserve all defenses, including lack of service, improper service, and jurisdictional defenses. Defendants hereby incorporate by reference, as if fully stated in this objection, the arguments stated in opposition to the Case Management Motion by the following objections filed by the defendants in certain similar adversary proceedings in the Delphi case:

1. Defendant’s Objections to Reorganized Debtors’ Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings filed by the defendants in *Delphi Corp., et al. v. Affinia Group Holdings, Inc., et al.*, Adversary Proceeding No. 07-02198 (RDD);
2. Defendant’s Objections to Reorganized Debtors’ Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings filed by the defendants in *Delphi Corp., et al. v. Valeo, et al.*, Adversary Proceeding No. 07-02534 (RDD);
3. Defendant’s Objection to Reorganized Debtors’ Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings filed by the defendant in *Delphi Corp., et al. v. ATS Automation Tooling Systems Inc., et al.*, Adversary Proceeding No. 07-02125 (RDD);
4. Limited Objection of Microchip Technology Incorporated to Reorganized Debtors’ Motion for a Case Management Order Establishing Procedures

Governing Adversary Proceedings filed by the defendant in *Delphi Corp., et al. v. Microchip*, Adversary Proceeding No. 07-02436 (RDD); and

5. Objection of the DSSI Defendants to Reorganized Debtors' Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings filed by the defendant in *Delphi Corp., et al. v. DSSI and DSSI, LLC*, Adversary Proceeding No. 07-02236 (RDD); and
6. Response and Objection of Defendant, Spartech Polycom, to Reorganized Debtors' Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings filed by the defendant in *Delphi Corp., et al. v. Spartech Polycom*, Adversary Proceeding No. 07-02639 (RDD).

For all of the reasons stated in the foregoing objections and incorporated herein, the Defendants request that the Court deny the Case Management Motion and instead only enter an appropriate case management order that is modified as requested in the foregoing objections.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By /s/ Donald J. Hutchinson

Donald J. Hutchinson (P39545)

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Dated: May 4, 2010

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CERTIFICATE OF SERVICE

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Donald J. Hutchinson hereby certifies that, on May 4, 2010, he served a copy of the foregoing Objections to Reorganized Debtors' Motion for a Case Management Order Establishing Procedures Governing Adversary Proceedings upon counsel for the Plaintiff and reorganized debtors by e-mail directed to the email address set forth below and provided a courtesy copy of the same to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge by e-mail directed to chambers:

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The Honorable Robert D. Drain
United States Bankruptcy Judge
Via Email: rdd.chambers@nysb.uscourts.gov

/s/ Donald J. Hutchinson

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